

**Appl. No.** : **10/079,062**  
**Filed** : **February 20, 2002**

#### **REMARKS**

Claims 1-24 were originally pending in the present application. Claims 1, 8, 12, 21, and 24 have been amended herein. Claims 25-27 have been added herein. Accordingly, Claims 1-27 are presented herein for further consideration by the Examiner.

#### **Rejection of Claims 1-23 under 35 U.S.C. § 112, Second Paragraph**

Claims 1-23 stand rejected under 35 U.S.C. § 112, second paragraph, for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention. Specifically, Claims 1-23 stand rejected for omitting essential steps with respect to the valuable product. Claim 1 has been amended, to recite “wherein the distillate and/or the residue comprises a valuable product.” Accordingly, the Applicants respectfully request that the Examiner withdraw this rejection

#### **Rejection of Claims 8, 12-14 under 35 U.S.C. § 112, Second Paragraph**

Claims 8, and 12-14 stand rejected under 35 U.S.C. § 112, second paragraph, for lack of antecedent basis for the limitation “hydrolyzing esters in the raw material.” Applicants have amend Claims 8 and 12 to reflect appropriate antecedent basis for this limitation. As Claims 13 and 14 depend from Claim 12, Applicants believe that the amendment to Claim 12 supplies the appropriate antecedent basis for the limitation in these claims. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection.

#### **Rejection of Claim 21 under 35 U.S.C. § 112, Second Paragraph**

Claim 21 stands rejected under 35 U.S.C. § 112, second paragraph, for lack of antecedent basis for the limitation “crystallizing sterols.” Applicants have amend Claim 21 to reflect appropriate antecedent basis for this limitation. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection.

#### **Rejection of Claim 24 under 35 U.S.C. § 112, Second Paragraph**

Claim 24 stands rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential steps. Applicants have amended the preamble of Claim 24 to appropriately reflect the process being claimed. Accordingly, Applicants respectfully request that the Examiner withdraw this rejection.

Appl. No. : 10/079,062  
Filed : February 20, 2002

**Rejection of Claim 21 under Doctrine of Obviousness-Type Double Patenting**

Claim 1 stands rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 21 of US Patent No. 6,344,573. Applicants submit herewith a "Terminal Disclaimer to Obviate a Double Patenting Rejection" and the appropriate fee. Accordingly, Applicants respectfully request the Examiner withdraw this rejection.

**New Claims 25-27**

Applicants have added Claims 25-27 herein to define additional aspects of the claimed invention. Applicants submit that new Claims 25-27 are supported by the specification, and are novel and nonobvious over the art of record. Applicants respectfully request allowance of new Claims 25-27.

**Conclusions**

For the foregoing reasons, it is respectfully submitted that the rejections set forth in the outstanding Office Action are inapplicable to the present claims.

The undersigned has made a good faith effort to respond to all the rejections in the case and to place the claims in a condition for immediate allowance. Nevertheless, if undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call Applicants' attorney in order to resolve such issue promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 22 Dec. 2003

By: *Karoline A. Delaney*  
Karoline A. Delaney  
Registration No. 44,058  
Attorney of Record  
620 Newport Center Drive  
Sixteenth Floor  
Newport Beach, CA 92660  
(949) 760-0404